**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION No.4670 of 2004**

Between:

1 Viswanatham Gopal Rao, S/o.Subba Rao,
R/o.Shiridi Nagar, Yeleswaram Village and Mandal, E.G.Dt.
2 Udatha Venkateswara Rao, S/o.Atcharao,
R/o.Shiridi Nagar, Yeleswaram Village and Mandal, E.G.Dt.
3 Chittamsetti Sathi Raju, S/o.Veerabhadra Rao,
R/o.Shiridi Nagar, Yeleswaram Village and Mandal, E.G.Dt.
4 Sappavarapu Lakshmi Narayana, s/o.Basava Raju,
R/o.Velpuru Village, Tanuku Mandal, W.G.District.
5 Muntha Satyavathi, W/o.Srinivas,
R/o.Shiridi Nagar, Yeleswaram Village and Mandal, E.G.District.
6 Pallala Linga Reddy, S/o.Latchi Reddy,
R/o.Shiridi Nagar, Yeleswaram Village and Mandal, E.G.District.

**..... PETITIONERS**

AND

1 The District Collector, East Godavari District at Kakinada.
2 The Revenue Divisional Officer, Peddapuram, E.G.District.
3 The Mandal Revenue Officer, Yeleswaram, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in acquiring the house plots belonging to the petitioners situated in S.No.388/1 and 2 of Yeleswaram Village and Mandal, East Godavari District, as illegal, arbitrary and unjust, and consequently direct the respondents to drop acquisition proceedings in respect of

the plots of the petitioners.

**Counsel for the Petitioners: MR.N.SIVA REDDY**

**Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE**

**The Court made the following:**

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.4670 OF 2004

ORDER:

The Government proposed to acquire an extent of Acs.7.65 in S.Nos.388/1 and 2 of Yeleswaram Village of East Godavari District, for the purpose of providing house sites. It is the case of the petitioners that they purchased small extents of house plots in L.P.No.1 of 2000 which was duly approved by the Director of Town and Country Planning on 15.7.2000, that they are also homeless persons and therefore the lands shall be excluded. They made a representation to exclude the lands from acquisition to the second respondent in vain and therefore, they filed the present Writ Petition.

The petitioners' representation is still pending with second respondent and therefore, it is not proper for this Court to express any opinion on the right of the petitioners to seek exclusion of the plots from the land acquisition proceedings. Liberty is given to petitioners to approach the Government of Andhra Pradesh by making a representation within two weeks from the date of receipt of a copy of this order for appropriate orders. As and when such application is made, it shall be open to Government of Andhra Pradesh in Revenue Department to pass appropriate orders without in any manner influenced by the fact that the petitioners filed Writ Petition and obtained this order. The exercise may be completed within a period of eight weeks after the petitioners make representation.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

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(V.V.S.RAO, J)

1.11.2004

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To

1 The District Collector, East Godavari District at Kakinada.
2 The Revenue Divisional Officer, Peddapuram, E.G.District.
3 The Mandal Revenue Officer, Yeleswaram, East Godavari District.

4 2CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (O.U.T)

5 2CD copies.